IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.34290 of 2008

1. BACHHA MUSHAR, son of Sukhal Mushar
2. Anil Mushar, son of Sudarsan Mushar
3. Hari Kishore Mushar, son of Sudarsan Mushar
4. Sipahi Mushar, son of Ramraj Mushar
5. Balinder Mushar, son of Barnaras Mushar

All resident of village Sarai, P.S. Bhagwanpur, District Siwan ……. Petitioners

Versus

STATE OF BIHAR …… Opposite party

05/ 10.11.2008 Heard learned counsel for the petitioners and the State.

Petitioners are accused in a case under Section 302 and other allied Sections of the Indian Penal Code and are named in the First Information Report along with two others, including Chandeshwar Mushar.

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It is submitted on behalf of the petitioners that there is general and omnibus allegation of assault against each of the accused persons named in the First Information Report and appreciating such allegation, another Bench of this Court has allowed bail to the co-accused Chandeshwar Mushar @ Chandeshwar Musahar under orders dated 5.3.2008, passed in Cr. Misc. No. 51278 of 2007. It is also submitted on behalf of the petitioners that there is nothing to distinguish the case of the petitioners with that of co-accused Chandeshwar Mushar @ Chandeshwar Musahar.

Let the petitioners, Bachha Mushar, Anil Mushar, Hari Kishore Mushar, Sipahi Mushar and Balinder Mushar be

released on bail on furnishing bail bonds of Rs. 5,000/- (Rs. Five thousand only) each with two sureties of the like amount each to the satisfaction of Sri S.D. Dvivedi, Judicial Magistrate 1st Class, Siwan in connection with Maharajganj P.S. Case No. 54 of 2005 after they undergo the same period of incarceration as under trial prisoner, which co-accused Chandeshwar Mushar @ Chandeshwar Musahar has undergone.

Arjun/ **(V.N. Sinha, J.)**

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